

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In Re:
John Malone,
Debtor

Chapter 13
Case No. 24-10885

DEBTOR'S OBJECTION TO
MOTION FOR APPROVAL OF ADMINISTRATIVE CLAIM

Now comes the Debtor and files this Objection to the Motion for Approval of Administrative Claim filed by Janyuzak Almazbek. Only one expense may rise to the level of administrative claims and even then Mr. Almazbek has not provided proof he actually paid any of these expenses. In support of this objection the Debtor states as follows:

1. Debtor denies he owes Mr. Almazbek \$14,197.60 as an administrative claim.
2. Mr. Almazbek is seeking return of \$4,000.00 which was a deposit from his Purchase and Sale Agreement. According to the Purchase and Sale Agreement, that deposit was held by Mr. Almazbek's attorney, Kyle Smith, and should be returned by Attorney Smith, not the Debtor.
3. Based on the limited information provided in the request, it appears that the \$840.00 for "tax professional filing taxes" could be considered an administrative claim.
4. Administrative claims for the "actual, necessary costs and expenses of preserving the estate" are governed by §503(b)(1)(A). In order to qualify as an administrative expense, a post-petition debt "must have arisen from a transaction with the debtor in possession' and must then confer a benefit on the debtor's estate." In re: Phones for All, Inc., 288 F.3d 730, 732 (5th Cir. 2002), *citing* In re: Commercial Financial Services, Inc., 246 F.3d 1291, 1294 (10th Cir. 2001). "A debt is not entitled to priority simply because the right to payment arises after the debtor in possession has begun managing the estate." Trustees of Amalgamated Ins. Fund v. McFarlin's, 789 F.2d 98, 101 (2d Cir. 1986) (quoting In re Mammoth Mart, Inc., 536 F.2d 950, 954 (1st Cir. 1976))
5. It is Debtor counsel's concern that many of these expenses may have been to pressure the Debtor into accepting a very low offer for the property, not to benefit the estate.
6. Mr. Almazbek has the burden of proof and has not provided any argument as to the benefit to the estate of the alleged expenses.
7. Additionally, Mr. Almazbek has not provided proof that he actually paid any of these expenses.

WHEREFORE, the Debtor requests the Court as follows:

1. The Motion for Approval of Administrative Claim be denied.
2. For such other and further relief as the court deems just.

Debtor,
by his attorney,

Dated: January 20, 2026

/s/ John Ullian
John Ullian, Esq. BBO No. 542786
Amy Puliafico, Esq. BBO No. 682332
The Law Firm of Ullian & Associates, Inc.
220 Forbes Road, Suite 106
Braintree, MA 02184
(781) 848-5980

CERTIFICATE OF SERVICE

I, John Ullian, hereby certify under the pains and penalties of perjury that I served the foregoing **DEBTOR'S OBJECTION TO MOTION FOR APPROVAL OF ADMINISTRATIVE CLAIM** by ECF or mailing a copy of same postage prepaid to all interested parties listed below:

Office of the US Trustee
John W. McCormack Post Office and
Courthouse
5 Post Office Square, 10th Floor, Suite 1000
Boston, MA 02109

Carolyn Bankowski
Chapter 13 Trustee
PO Box 8250
Boston, MA 02114

John Malone
28 Savin Hill Avenue
Dorchester, MA 02125

Janyuzak Almazbek
John.almaz1@gmail.com
(Notice via email)

Dated: January 20, 2026

/s/ John Ullian
John Ullian, Esq.
Ullian & Associates, Inc.
220 Forbes Road, Suite 106
Braintree, MA 02184
(781) 848-5980
BBO No. 542786